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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,913	12/14/2000	Hiroaki Kaneko	040302/0250	5823

22428 7590 07/09/2003

FOLEY AND LARDNER
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3000 K STREET NW
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EXAMINER

MERCADO, JULIAN A

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 07/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/735,913

Applicant(s)

KANEKO ET AL.

Examiner

Julian A. Mercado

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

P r i d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Remarks

This Office Action is responsive to applicant's amendment filed May 1, 2003.

Claims 7, 8 and 18-20 have been canceled per applicant's amendment.

Claims 1-6 and 9-17 are pending, of which claims 1-5 and 12-17 are withdrawn from consideration.

The rejection of claims 6 and 9-11 under 35 U.S.C. 102(b) based on Ina (JP 6-231771) has been withdrawn.

This Office Action presents a new ground of rejection and is therefore made NON-FINAL.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Claims 6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al. (JP 57-7255).

The preamble recitation of a "methanol reforming catalyst" has not been given the effect of a limitation in the claim, as the preamble appears to be only directed to the purpose or intended use of the method; the additional components of the claim(s) can stand alone without depending on the preamble for completeness.

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Two abstracts in their entirety are relied upon for discussion of Yokoyama: 1) Derwent Abstract and 2) JPO Abstract. Regarding independent claim 6 and dependent claims 9-11, Yokoyama teaches a method of producing a methanol reforming catalyst wherein a metal oxide such as alumina is impregnated with a solution containing Pd and Zn. (JPO Abstract, first paragraph) The metal oxide further contains Zr oxide, i.e. zirconia. (JPO Abstract, second paragraph) After impregnation, the metal oxide support is burned or calcined at a temperature of 550 °C (Derwent Abstract, second paragraph), which is notably within the instant 400 – 600 °C.

Applicant's arguments filed with the present amendment has been fully considered, however these arguments are not persuasive.

As a matter of clarification, the present ground of rejection based on Yokoyama was inadvertently set forth in the previous Office Action with an incorrect rejection "heading" as based on Ina. The rejection based on Ina has been subsequently withdrawn.

Applicant submits that Yokoyama does not teach or suggest impregnating a metal oxide powder including Ce oxide powder or Zr oxide powder with a solution containing Pd and Zn. Applicant submits that the metal oxide in Yokoyama is alumina. (emphasis as submitted) While this argument may have merit, the scope of the present claims is noted to merely recite "a metal oxide". Alumina, in being a metal oxide, i.e. aluminum oxide is maintained to read on the instant metal oxide. Further, Yokoyama specifically teaches zirconia, i.e. Zr oxide covered alumina supporting Zn, *inter alia* and Pd, *inter alia*. (Derwent Abstract, first paragraph)

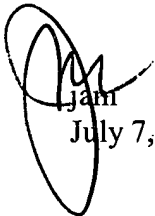
Conclusion

Acknowledgement is made of applicant's request for the examiner to consider the Information Disclosure Statement filed on April 20, 2001. The examiner notes, however, that no such IDS paper is present in the file. Applicant is requested to re-submit the IDS paper and cited documents therein (preferably with any appropriate USPTO-stamped postcard receipts) in response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian A. Mercado whose telephone number is (703) 305-0511. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


JAM
July 7, 2003


Patrick Ryan
Supervisory Patent Examiner
Technology Center 1700